



## Council Report

To: The Honorable Mayor and City Council

From: Michael A. Etienne, Esquire, City Clerk

Date: May 28, 2013

**RE: CONSIDERATION OF PROPOSED RESOLUTION CANVASSING THE RETURNS  
AND CERTIFYING THE RESULTS OF A SPECIAL ELECTION OF THE CITY OF  
NORTH MIAMI, HELD ON May 14, 2013**

---

### **RECOMMENDATION**

The City Council adopt the attached resolution canvassing and certifying the results of a special election of the City of North Miami, held on May 14, 2013.

### **BACKGROUND**

This election is called pursuant to City Charter.

Pursuant to law, the results of that election are to be canvassed and certified by the City Council.

### **Attachments**

Proposed Resolution

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI, FLORIDA,  
CERTIFYING THE RESULTS OF AN ELECTION OF THE  
CITY OF NORTH MIAMI, HELD ON MAY 14, 2013;  
PROVIDING FOR AN EFFECTIVE DATE AND ALL  
OTHER PURPOSES.**

**WHEREAS**, the Mayor and City Council of the City of North Miami, pursuant to Resolution 2013-14, called for an election which was held on May 14, 2013, in accordance with the Charter of the City of North Miami; and

**WHEREAS**, pursuant to law, the results of that election are to be certified by the City Council.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1.** That the Mayor and City Council have found that 5,188 votes were cast for the following amendment to the City Charter:

**Question 1. Appraisals required for Sale of Property.**

The Charter currently provides that no property of the city be sold for less than ninety (90) percent of the appraised value of the property as determined by one (1) MAI appraisal. It is proposed that the Charter be amended to provide that the city obtain at least two (2) MAI appraisals, to more accurately determine property value.

Shall the above-described Charter Amendment be adopted?

YES      3,775 votes

NO      1,413 votes

**Section 2.** That the Mayor and City Council have found that 5,073 votes were cast for the following amendment to the City Charter:

**Question 2. Council Candidacy Requirement.**

The Charter currently does not require a candidate for City Council to show State of Florida identification. It is proposed that the Charter be amended to require a candidate for City Council to submit a Florida government issued identification with proof of residency showing the candidate has continuously resided in the district for which the candidate is seeking election, one (1) year prior to the time of qualification.

Shall the above-described Charter Amendment be adopted?

YES      4,524 votes

NO      549 votes

**Section 3.**      That the Mayor and City Council have found that 4,701 votes were cast for the following amendment to the City Charter:

**Question 3.    Charter Update.**

It is proposed that the Charter be amended to 1) delete outdated and unnecessary provisions, 2) reorganize similar provisions and consolidate redundant language, and 3) remove certain provisions from the Charter to be placed in the appropriate section of the City Code.

Shall the above-described Charter Amendment be adopted?

YES      3,643 votes

NO      1,058 votes

**Section 4.**      That the Mayor and City Council have found that 4,921 votes were cast for the following amendment to the City Charter:

**Question 4.    Filling of Vacancies.**

The Charter currently provides Council vacancies are filled by general or special elections or by appointment by majority of votes of the Councilmembers. It is proposed that the Charter be amended to 1) provide that if the remaining term is six (6) months or longer, the vacancy will be filled by special or regular election, and 2) if less than six (6) months, by the appointment of Council.



Shall the above-described Charter Amendment be adopted?

YES      3,902 votes

NO      1,019 votes

**Section 5.**      That the Mayor and City Council have found that 4,938 votes were cast for the following amendment to the City Charter:

**Question 5.    Recall of Elected Officers.**

The Charter currently follows the same language found in the Statute. It is proposed that the Charter be amended to 1) provide that all elected officers of the City shall be subject to recall from office in accordance with the provisions of Section 100.361, Florida Statutes, as amended, and 2) remove duplicative and unnecessary language from this Section of the Charter.

Shall the above-described Charter Amendment be adopted?

YES      3,894 votes

NO      1,044 votes

**Section 6.    Certification of Results.** That the Mayor and City Council have found that all five (5) amendments to the City Charter received a majority vote for adoption, and shall be incorporated into the City Charter.

**Section 7.    Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_\_ day of May, 2013.

\_\_\_\_\_  
ANDRE D. PIERRE, ESQ.  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY CLERK

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Marie Erlande Steril	_____ (Yes)	_____ (No)
Councilman Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilman Scott Galvin	_____ (Yes)	_____ (No)
Councilman Jean R. Marcellus	_____ (Yes)	_____ (No)